

1859-014

Chancery Causes: Heirs of James Newman vs. Heirs of Michael Myers

Lee Co.

Harris, Fee, Noe

CA-Contract Dispute  
T-Property



To the Worshipful County Court of Lee County in Chancery sitting, the bill of complaint of James A. Harris & Lucretia his wife formerly Lucretia Newman, James Jefferson Newman, Willis Harris & Harriett his wife formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, & Polly Newman, children and heirs of James Newman deceased, the three last mentioned of whom are infants under the age of twenty one years who sue by James J. Newman their next friends, respectfully represents:

That on the <sup>18<sup>th</sup></sup> ~~20<sup>th</sup>~~ day of <sup>July 1833</sup> ~~December 1833~~ a certain Michael Myers and John Myers, of said County, purchased from Sophia Faile, of the County of Wythe, one half of a tract of land of 770 acres, consisting of two surveys adjoining each other of 400 and 370 acres respectively. This land belonged jointly to the said Sophia one half, and to John Chapman & others the other half, and partition thereof was <sup>soon after said purchase was made, so as to allot her part to said Sophia</sup> made between them. Shortly after said purchase was made, a written contract was made between the said Michael & John Myers of the one part, and the said James Newman of the other part, dated on the 8<sup>th</sup> day of December 1833, by which it was agreed between the parties, that the said James Newman was to be an equal owner & tenant in common with them in the purchase of the said land, <sup>the said Michael & John Myers bound themselves</sup> and <sup>to</sup> make him a good and sufficient title to the one third part of said tract so soon as they should receive a conveyance therefor, and in consideration thereof the said James Newman bound himself to make equal payments with the said Michael & John Myers of the purchase money of said land at the times and sums by them contracted to be paid therefor, and in all respects the said parties were to be equal tenants in common with each other in the payments, enjoyments, &c; the complainants file herewith an office copy of said agreement, <sup>marked (A.)</sup> the original being on file in the records of the Circuit Court of this County in a chancery suit formerly pending therein. The purchase



money contracted by said Michael & John Myers to be given for said land was \$1925, as appears from the said agreement (A). All of said purchase money was fully paid up, <sup>The said James Newman having paid his equal third part, according to contract</sup> and the said Michael & John Myers and the said James Newman were put in possession of their respective shares of said land, and they & those claiming under them have ever since held & enjoyed the same without interruption, and still so hold.

A few years after the said sale was made, Sophia Faircliff died, without having conveyed the said land to the said purchasers from her; and afterwards, to wit, about the

day of                      a suit in Chancery was instituted in the Circuit Superior Court of Law & Chancery of this County by the said Michael & John Myers against the heirs or devisees of the said Sophia, for the purpose of obtaining a conveyance of the legal title, and about the same time another suit in Chancery was brought in the same Court by Michael Myers against the devisees of the said John Myers (he having in the mean time died & some of his devisees being infants) to have partition made of said land between them. These two causes proceeded & were tried together, and by the decree of the said Court the said land was partitioned between the said Michael & John and the legal title thereto conveyed to them for their respective allotments. The said James Newman had also in the mean time died, leaving his children the plaintiffs <sup>here</sup>, his heirs at law; they do not appear as parties in either of said causes — in the first, obviously because their father the said James Newman was not a party to the contract of purchase from Sophia Faircliff; but these complainants can assign no good reason why they were not made parties in the last named suit, the object of which was the partition of said land; yet they cannot be affected by such omission, more especially as they were then all minors and wholly ignorant of their rights. But it is apparent from the said decree, that their rights

were admitted and recognized by the said Michael & John's heirs, because the partition made by the Court, and the conveyances made in pursuance thereof, gave to the said John Myers only one equal third part, and to Michael the other two thirds, evidently including the part of these complainants in the portion which was allotted & conveyed to Michael, and of which portion these complainants were then and still are in actual possession claiming under the contracts aforesaid marked (A.). This is more clearly shown by reference to the plat filed in said cause according to which the partition & conveyances were made, office copies of which decree and plat are herewith filed marked (B.) & (C.) as parts of this bill. The lot marked N<sup>o</sup>. 1 on said plat is that which in the actual division of said land was allotted between the parties to the said James Newman in his lifetime, & long before the said suits were brought, & of which he remained quietly in possession as long as he lived, and these complainants have also quietly held the same ever since, & still hold, without any claim thereto whatever by the said Michael or his heirs. It will also appear from said decree and plat, that the conveyance was made to the said Michael Myers for lots N<sup>o</sup>. 1 & N<sup>o</sup>. 2 consisting of two thirds of said land. The said Michael Myers has since died, about the day of                      without having conveyed to these complainants the legal title to lot N<sup>o</sup>. 1, as he ought to have done, and they have never yet received a conveyance thereof. The agreement aforesaid marked (A.) refers to a previous article of agreement relative to the same matter entered into between the same parties and lodged in the hands of Albert Russell. The agreement (A.) was entered into at Wythe Court House, and was drawn up by a skilful lawyer, because the parties desired the contract to be more formally & perfectly drawn than they had done; a copy of this article marked (D.) is also filed herewith as part of this bill — from this it appears, that the rights of these complainants are substantially the same in both.



The said Michael Myers has left the following children who are his heirs at law, and his widow, viz: Margaret Myers widow of Michael Myers deceased, Henderson Fee & Margaret his wife formerly Margaret Myers, Strother Chadwell Myers, John Noc and Polly his wife formerly Polly Myers, Jackson Noc and Jane his wife formerly Jane Myers, & Eliza Myers, all of whom have removed from the State of Virginia, and are residing as these Compt<sup>s</sup> are informed in the State of Arkansas.

The prayer of your orators & oratrices therefore is, that the said Margaret Myers widow of Michael Myers deceased, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noc and Polly his wife, Jackson Noc & Jane his wife, and Eliza Myers, be made parties dependent to this bill and answer the same on oath; that your worships will decree to the Compt<sup>s</sup> a conveyance of the legal title to said lot of land No: 1 from the said widow & heirs, and cause the same to be made; And that such other & general relief be extended to them as their case may require & may consist with equity: May it please your worships to grant the Compt<sup>s</sup> writ of Sp<sup>a</sup>, directed &c.

Johnston, for Compt<sup>s</sup>

J. Newman's heirs

25. } Title in Ch<sup>y</sup>.

Mr. Myers's heirs

Exhibits filed.



Newman's heirs

is, } Bill in Chy.

M. Myers's heirs

---

Exhibits filed.

---

1858. Nov. Rules. Bill filed & order  
publication against the defendants  
... continued ...  
... set for hearing ...  
... Decree ...  
... final decree ...

of record 9.75  
... 5.00  
... 1.00  
... 06

Newman's heirs vs. Myers's heirs &c — Chy.

Henry J. Morgan, the Commissioner appointed by the decree rendered in this cause on yesterday, to make the conveyance therein decreed to be made, this day reported that he had executed and acknowledged a deed to the complete such as is by the said decree directed, and the said deed of conveyance being seen by the Court and acknowledged before it by the said Commissioner, the said deed is approved <sup>& the said deed ordered to be recorded</sup> and the action of the said Commissioner is affirmed; and it is ordered, that the said Commr. be allowed one dollar for executing said deed, to be included and taxed in the costs of this suit; And the Court, declining to decree costs to the complete, and the object of this suit having been attained, doth order that the cause be stricken from the docket.



Newman's heirs,

or. } Final Deed

M. Myers's heirs.

---

January Term, 1859.

Jan 1859 Grant Book

267



Newman's heirs vs. M. Myers's heirs - Chy.

This cause came on this day to be heard upon the bill of the complt's, the exhibits filed, and was argued by counsel; And it appearing, that the defendants are not inhabitants of this Commonwealth, and that the order of publication against them entered at rules in this cause has been duly published and posted, and more than one month having elapsed and they having still failed to appear and answer the complt's bill, the same is taken for confessed; And it appearing to the Court, that James Newman in his lifetime was entitled, under the exhibit A filed in this cause, to an equal third part of the tract of land in said Exhibit A. mentioned, ~~and that~~ having paid his third part of the purchase money contracted to be paid by John Myers & Michael Myers to Sophia Frill for the said land, and that partition <sup>thereof</sup> ~~has~~ <sup>has</sup> ~~been~~ <sup>has</sup> been made in the lifetime of said Newman <sup>on the day of</sup> ~~between~~ <sup>between</sup> him and the said Michael & John Myers, and that in pursuance thereof the said Newman was put in possession of that third part of the said tract of land which is designated, on the plat a copy whereof is filed in this cause as exhibit C., as number 1, and that he and his descendants the complt's have held ever since, and yet hold, the said lot N<sup>o</sup> 1 peaceably and without disturbance; And it further appearing, that in pursuance of the decree in the Chancery suit in the bill mentioned, a copy of which is filed in this cause, as exhibit marked B., the legal title was conveyed, by a Commissioner appointed for the purpose, to the said Michael Myers of the said lot N<sup>o</sup> 1 as well as his own lot N<sup>o</sup> 2, and that the title to lot N<sup>o</sup> 1 has not yet been conveyed either to the said Newman in his lifetime or to the complt's since his death; It is therefore adjudged, ordered, & decreed, that Henry J. Morgan, who is hereby appointed a Commissioner for the purpose, do convey, by proper deed acknowledged for record with covenants of special warranty against him- & self and his heirs, the legal title to the complt's of the said ~~tract~~ lot N<sup>o</sup> 1 according to the said plat exhibit C., & report ~~the same to the Court.~~



Neuman's heirs

v. } Deuce.

M. Myers's heirs

---

January term 1859.

---

Order Book Page 164



Virginia

At Rules held in the Clerk's office of the County Court of  
Lee County on Monday the 1<sup>st</sup> day of November 1858,  
James A. Harris and Lucetia his wife formerly  
Lucetia Newman, James Jefferson Newman, Willis  
Harris & Harriett his wife formerly, Harriett Newman,  
Andrew J. Newman, Patterson Newman, Joseph Newman,  
Samuel Newman, & Polly Newman, Children & Heirs  
of James Newman deceased, the three last named  
of whom are infants under the age of 21 years  
who sue by James J. Newman, their next friend  
Complainants

Against  
Margaret Myers widow of Michael Myers deceased,  
Henderson Fee & Margaret his wife Strother Chadwell  
Myers, John Roe and Polly his wife, Jackson Roe,  
and Jane his wife, & Eliza Myers; Defendants,

In Chancery

The object of this suit, is to extract from the defendants  
a legal title to the land in the bill mentioned;

And it appearing from satisfactory evidence that Margaret Myers  
widow of Michael Myers deceased, Henderson Fee & Margaret his  
wife, Strother Chadwell Myers, John Roe and Polly his wife  
Jackson Roe and Jane his wife & Eliza Myers, are not  
inhabitants of this commonwealth; It is ordered that said  
defendants do appear here within one month after due publication  
of this order, and answer the bill of Complainants or do what is  
necessary to protect their interests, and that a copy of this order  
be forthwith inserted in some newspaper published in this  
commonwealth for four successive weeks, and posted at the  
door of the Court House of Lee County

H. J. Morgan, C. C.

Virginia - Lee County to wit

This day personally appeared before the undersigned  
a justice of the peace within and for Lee County, Henry J. Morgan and made  
oath that he had posted a copy of the above order at the front door  
of the Court House of Lee County on Monday the 1<sup>st</sup> day of Nov. 1858  
Given under my hand this 1<sup>st</sup> day of Nov. 1858

A. R. Can. C. P.



Newmans Heirs  
vs { affidavit of pooling  
order Publication  
Michael Myers Heirs



Newmans Heirs Complete

185

~~Michael~~ Morgan Heirs Dfts

In Chancery.

Pursuant to a decree of the county court of Sed County rendered in this cause on the 18<sup>th</sup> day of January 1859. by which the undersigned was appointed a commissioner to convey the legal title to the land in the bills mentioned to James A. Harris and Lucetta his wife, James Jefferson Newman, Willis Harris and Harriet his wife, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, and Pally Newman. children & heirs at law of James Newman deceased, have made such conveyance to the above named parties as was directed by said decree.

H. J. Morgan Clk



Common Report.



Memorandum of an agreement entered into this eight day of December One Thousand eight hundred and thirty three between Michael Myers, John Myers and James Newman, these presents witnesseth, that whereas the above named John Myers and Michael Myers, did on the 18<sup>th</sup> day of July 1833, purchase of Robert Kent & Sophia Friel, the one half of Seven hundred and Seventy acres of Land lying and being in the county of Lee and State of Virginia, on Crane Creek, which the said Robert Kent & Sophia Friel have bound themselves and their heirs to make unto the said Michael & John Myers a good and sufficient title to the one half of said tract of land, which is undivided, on or before the 25<sup>th</sup> day of December 1833, The said John & Michael Myers in consideration of the said tract of Land, bound themselves to pay unto the said Robert Kent & Sophia Friel the sum of nineteen hundred and twenty five dollars (twice the sum of One Thousand dollars on the first day of December 1833, and the balance in three years from the said first day of December 1833. Now the parties to this agreement (To wit; the said John & Michael Myers, bind themselves and their heirs to make the said James Newman an equal owner and tenant in common with them, the said John & Michael Myers, in the purchase aforesaid and they hereby bind themselves and their heirs to make the said, James Newman, a good and sufficient title to the one third part of said tract of Land, so soon as they have a conveyance from the said Robert Kent and the said Sophia Friel agreeably to an agreement of Division which has been entered into between the aforesaid parties, and which said agreement is now in the hands of Alexander Ryple, of the county of Lee aforesaid, and the said James Newman, in consideration thereof, hereby binds himself and his heirs to make equal payments to the said Robert Kent and Sophia Friel, with the said John & Michael Myers, at the times and sums as they have agreed for the purchase of the said tract of Land as aforesaid, and in all respects the parties to this contract make



themselves equal tenants in common with each other in  
the payments enforcements subject to the aforesaid agreement  
of division which is hereby recognised and ratified and  
referred to as part of this agreement, and if either party to this  
agreement should make default and refuse to comply with  
it in any particular, then in that case he binds himself  
to pay by way of penalty, to each of the others the sum of five  
hundred dollars and to confirm this one joint act we have  
severally hereunto set our hands and seals the day and year  
first above written

Teste

Isaac J. Seftwick

Michael Myers (Seal)

John <sup>his</sup> + Myers (Seal)

James <sup>trust</sup> Neuman (Seal)

The foregoing is as I verily believe a correct copy  
of an agreement Made & Entered into by the above  
parties and which is on file <sup>the papers of</sup> in a certain suit  
once pending, in the circuit Superior Court of  
Law and Chancery for Lee County

Teste

H. J. Morgan, Clk,



Copy of an agreement  
between  
Myers Myers & human

(A.)

clerk for 60



Michael Myers and The widow and devisees of John Myers deceased complts.  
vs The Heirs &c of France dec'd depts. in chancery, And Michael Myers complts.  
vs The devisees of John Myers Depts. in chancery.

The complts. in the first of these causes this day entered general replication to the answers heretofore filed by the guardian ad litem of the infant depts. and in the last of these causes the ptt. this day entered general replication to the answer of the depts. and also to the answer of the guardian ad litem of the infant depts. and thereupon these causes by consent of parties came on to be heard together on this day of April 1846 upon the Bill and Supplemental bill of the complts. in the first cause and the answer of the infant depts. by their guardian ad litem and other pleadings in the cause and the exhibits and other evidence filed therein and the arguments of counsel, And the last case came on to be heard on this Bill of the complts. The answers and other exhibits filed in the cause and the arguments of counsel. And the court being satisfied from the evidence in the causes that the complts. Michael Myers and the testator of the other complts. had purchased from Sophia Frick in her lifetime the lands in their Bill mentioned the purchase money for which has been fully paid and discharged and that the said Sophia Frick departed this life without making to the complts. a conveyance of the title for the same, and that the legal title to the said land now rests in the Heirs at law and the devisees of the said Sophia Frick against whom the complts. have a right to abstract it. And it appearing by the pleadings and evidence in the last of these causes that the said Michael Myers and John Myers now deceased in his lifetime had enjoyed and possessed the land mentioned in the first case from the time of their purchase thereof from the said Sophia Frick, untill the death of the said John Myers, and by the said Michael and the devisees of the said John since his death, untill this time, and that the said Michael and the said John Myers, in his lifetime, had made mutual and fair partition of the said land between themselves according to the interest of each therein, and that from the time of said partition, untill this time, the parties have held occupied & possessed, the portions thereof assigned to each in severally, a plat of which partition & assignment, made by the Surveyor of this county is filed in the papers of this cause, by which, and the pleadings in the cause it appears that Lot No. 3 in said plat is assigned to the said John Myers in his lifetime and occupied by him and his devisees ever



since, and that Lots Numbered 1 and 2 in said plat, were assigned  
to the said Michael Myers in said partition who has occupied  
them by himself and those holding under him ever since said  
partition was made, but that no titles have been made by the parties  
to the portions assigned to each, in consequence of the title to  
the land not having been yet made, from the heirs and devisees  
of the said Sophia Friell. — It is therefore ordered adjudged and  
decreed by the court, that John W. S. Morison, who is hereby app-  
ointed a commissioner for that purpose, do convey to the compe-  
tents, who are the devisees of the said John Myers deceased, according to their  
interests therein under the will of their testator, by proper deed, the legal  
title to Lot No. 3 in the said plat mentioned and that he convey to the  
competents, Michael Myers by proper deed the legal title to Lots num-  
bered 1 & 2 in said plat from the infant Defts. who are part  
of the heirs at law and devisees of the said Sophia Friell deceased  
making such conveyances with Special Warranty from himself and his  
Heirs, and that he report his proceedings herein to the court, and time  
is reserved to the infant defendants untill six months, after they sever-  
ally attain the age of twenty one years to show cause against this  
decree; and it appearing to the court that the heirs at law of the  
said Sophia Friell, who have already attained full age, have already  
made conveyances to the compe-  
tents, of their title to the said land, no decree  
against them is therefore desired by the compe-  
tents, and an arrangement  
having been made with the compe-  
tents, by the representative of the estate  
of the said Sophia Friell in relation to the costs of this suit, no decree  
is therefore asked against him for the costs, and the case is  
continued untill the next term,

Pursuant to the above decree I as commissioner have conveyed the  
lots in the decree mentioned & as directed thereby

all of which is most respectfully submitted

J. W. S. Morison, Comr.

(13.)

A True Copy from the decree of the circuit Court of  
Lee County in the case of Myers vs Myers


Teste H. J. Morgan, D.C.

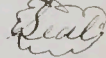



Article of agreement between John Miers and Michael  
Miers of Lee County & State of Virginia of the one part and James  
Newman of the County and State aforesaid of the other part do  
agree that James Newman is to have a equal part of the tract of land  
they purchased of Robert S. Kent and is to pay a equal part for said land  
if they get the upper end of the tract and the line goes one hundred and  
fifty yards below the big branch sd. Newman is to take a equal  
quantity of acres at the lower end and if they get the lower end sd.  
Newman and Michael Miers is to divide the land in three parts and  
John Miers is to have choice November 23 The 1833 our hands and

Attest.

Isaac Russell,  
Alexander Russell.

John <sup>his</sup> x Myers 

Michael Myers 

James Newman 

A true copy from the original agree-  
ment, filed in a suit between Michael  
Myers complainant & John Myers Devises  
Teste

H. Morgan, D.C.



Agreement between  
John + Michael Hayes  
+ James Newman

Copy of

(D.)

Checks for 10



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Margaret Myers, widow of Michael Myers, dec'd;  
Henderson Fee & Margaret his wife, Stothor Chadwell Myers  
John Roe and Polly his wife, Jackson Roe & Jane his wife and  
Eliza Myers*

to appear before the Justices of our County Court for Lee county, at the Court House, *on the 1<sup>st</sup> Monday*  
*in November next* — — — — — to answer

a bill in Chancery exhibited in our said Court against *them* by *JAMES A. HARRIS and Lucetta*  
*his wife, formerly Lucetta Newman, James Jefferson Newman, Willis Harris*  
*& Harriett his wife formerly Harriett Newman Andrew J. Newman, Patterson*  
*Newman, Joseph Newman, Samuel Newman, and Polly Newman,*  
*children & heirs of James Newman, deceased, the <sup>three</sup> last named of whom*  
*are infants under 21 years of age. who sue by James J. Newman their*  
*next friend.*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,  
this *29<sup>th</sup>* day of *October* 185*8*, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, C. C.*



James Harris & Co.

vs } Spain Chaney

Margaret Myers & al

Nov. Rules 1858

not executed  
as the Defendants  
are not inhabitants  
of this commonwealth  
Nov. The 1<sup>st</sup> 1858,

John H. Allen  
S. L. S.

Spa	28-
9 cop.	1 12 1/2
Rest	18
tax	1 00



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers and  
Henderson Ties & Margaret his wife, Stephen Chadwell Myers  
John Roe and Polly his wife, Jackson Roe & Jane his wife and  
Eliza Myers—*

to appear before the Justices of our County Court for Lee county, at the Court House, <sup>on</sup> *the 1<sup>st</sup> Monday*  
*in November next—* to answer

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris and Lucitia,*  
*his wife, formerly Lucitia, Newman, James Jefferson Newman, Millie*  
*Harris, & Harriett his wife formerly Harriett Newman, Andrew*  
*Newman Patterson Newman, Joseph Newman, Samuel Newman,*  
*& Polly Newman, Children & Wives of James Newman deceased*  
*the three last named of whom, and infants under 21 years of age*  
*who sue by James J. Newman their next friend,*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,  
this *29<sup>th</sup>* day of *October* 1858, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, Clk.*  
*A Copy—Test—H. J. Morgan, Clk.*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers, decd, Henderson Fee, & Margaret his wife, Stethor Chadwell Myers, John Mac, and Polly his wife Jackson Mac & Jane his wife and Eliza Myers,*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1<sup>st</sup> Monday in November next* — — — — — to answer

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris and Lucetta his wife, formerly Lucetta Nuoman, James Jefferson Nuoman Willis Harris & Harriett his wife, formerly Harriett Nuoman, Andrew J. Nuoman, Patterson Nuoman, Joseph Nuoman, Samuel Nuoman, and Polly Nuoman, children & heirs of James Nuoman deceased, the three last named of whom, are infants under 21 years of age, who sue by James J. Nuoman, their next friends.*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *29<sup>th</sup>* day of *October* 1858, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, Clk,*  
*A Copy Test, H. J. Morgan, Clk,*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Margaret Myers, widow of Michael Myers and  
Henderson Fied & Margaret his wife Strother Chadwell Myers, John  
Noe, and Polly his wife Jackson Noe & Jane his wife and,  
Elizabeth Myers*

to appear before the Justices of our County Court for Lee county, at the Court House, on the 1<sup>st</sup> Monday  
in November next

to answer

a bill in Chancery exhibited in our said Court against

*them* by James A. Harris and Lucetta  
his wife, formerly Lucetta Newman, James Jefferson Newman,  
Willis Harris & Harriett his wife formerly Harriett Newman, Ananias  
J. Newman, Patterson Newman, Joseph Newman, Samuel Newman,  
and Polly Newman, children & heirs of James Newman Deceased,  
the three last named of whom, are infants under 21 years of  
age who sue by James J. Newman. Their next friend,

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,

this 29<sup>th</sup> day of October

1858, in the 83<sup>rd</sup> year of the Commonwealth.

*H. J. Morgan, Clk.*  
A copy Teste - *H. J. Morgan, Clk.*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers, decd, Henderson Fee, & Margaret his wife, Strother Chadwell Myers, John Poe, and Polly his wife, Jackson Poe & Jane his wife and Eliza Myers*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1<sup>st</sup> Monday in November next,*

a bill in Chancery exhibited in our said Court against *Them* by *James A. Harris and Lucetta his wife formerly Lucetta Nuoman, James Jefferson Nuoman, Willis Harris & Harriett his wife formerly Harriett Nuoman, Ananias Nuoman, Patterson Nuoman, Joseph Nuoman, Samuel Nuoman, and Polly Nuoman, Children and heirs of James Nuoman deceased, the three last named of whom are infants under 21 years of age, whose* *by James J. Nuoman, their next friend,* to answer

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *29<sup>th</sup>* day of *October* 1858, in the *83<sup>rd</sup>* year of the Commonwealth.

*A Copy Teste H. J. Morgan, C. C.*  
*H. J. Morgan, C. C.*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Margaret Myers widow of Michael Myers deceased  
Alexander Free & Margaret his wife Strather Chadwell Myers John  
More and Polly his wife Jackson Mac and Jane his wife & Eliza Myers*

to appear before the Justices of our County Court for Lee county, at the Court House, on the 1st Monday in  
*November next*—

a bill in Chancery exhibited in our said Court against *Them* by *James A. Harris* to answer

*his wife formerly Lucetta Peroman James Jefferson Newman  
Willis Harris & Elaniet his wife formerly Elaniet Newman  
Andrew Newman Patterson Newman & Joseph Newman Samuel  
Newman and Polly Newman Children and heirs of James Newman  
deceased the three last named of whom are infants under 21 years  
of age who are by James J. Newman their next friend*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,  
this *29th* day of *October* 185*8*, in the *42nd* year of the Commonwealth.

*Wm. J. Morgan, Clk.*  
*Hen. J. Morgan*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Margret Myers widow of Michael Myers Deceased  
Henderson Lee and Margret his wife Brother Chadwell Myers  
John Nee and Polly his wife Jackson Nee and Jane his wife and  
Eliza Myers*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1st Monday*  
*in November next* — — — — —

a bill in Chancery exhibited in our said Court against *them*

to answer

*by James C. Harris and Lucretia  
his wife formerly Lucretia Newman James Jefferson Newman,  
Willis Harris & Harriett his wife formerly Harriett Newman  
Andrew J. Newman Patterson Newman Joseph Newman Samuel  
Newman and Polly Newman Children and heirs of James Newman  
deceased the three last named of whom are infants under 21  
years of age chosen by James J. Newman their next friend*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this 29  
day of *October* 1858, in the 32<sup>nd</sup> year of the Commonwealth.

*Henry J. Morgan, Clk*  
*A Copy Test Henry J. Morgan, Clk*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers dead,*  
*Henderson Fee & Margaret his wife, Strother Chadwell Myers, John H. H.,*  
*and Polly, his wife Jackson H., & Jane his wife, and Eliza Myers,*

to appear before the Justices of our County Court for Lee county, at the Court House, *on the 1<sup>st</sup> Monday*  
*in November next*

a bill in Chancery exhibited in our said Court against *Them* by *James A. Harris and Lucetia*  
*his wife, formerly Lucetia Newman, James Jefferson Newman, Willis*  
*Harris & Harriet his wife, formerly Harriet Newman, Andrew G.*  
*Newman Patterson Newman Joseph Newman, Samuel Newman, and*  
*Polly Newman, Children and heirs of James Newman deceased, the*  
*three last named of whom are infants under 21 years of age, who*  
*Sue by James J. Newman their next friend,*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,  
this *29<sup>th</sup>* day of *October* 1858, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, C. C.*  
*A Copy Teste H. J. Morgan, C. C.*



Tax	1.00
Spa	.25
9 copies	1.12
Receipt	.18
order	36
3 copies	60
filing bill	15
entering on doct	10
ent. atto	10
copying plate	20
copying Decree	75
copying aqueduct	60
" " no 1	20
	1.00



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers, decd  
Henderson Fee, & Margaret his wife. Strother Chadwell Myers, John  
Woe and Polly his wife, Jackson Woe & Jane his wife and  
Eliza Myers—*

to appear before the Justices of our County Court for Lee County, at the Court House, *On the 1<sup>st</sup> Monday  
in November next.*

to answer  
a bill in Chancery exhibited in our said Court against *Them* by *James A. Harris and Lucinda  
his wife, formerly Lucinda Newman, James Jefferson Newman,  
Willis Harris & Harriett his wife, formerly Harriett Newman,  
Andrew J. Newman, Patterson Newman Joseph Newman, Samuel  
Newman, and Polly Newman, Children & heirs of James  
Newman deceased, the then last named of whom are infants  
under 21 years of age, who sue by James J. Newman their  
next friend —*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this  
*29<sup>th</sup>* day of *October* 1858, in the 83<sup>rd</sup> year of the Commonwealth.

*H. J. Morgan, C. C.  
Attest H. J. Morgan, C. C.*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers dec'd  
Henderson Fee + Margaret his wife Strother Chadwell Myers, John  
Noe and Polly his wife, Jackson Noe + Jane his wife and Eliza  
Myers,*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1<sup>st</sup> Monday  
in November next* - - - - - to answer

a bill in Chancery exhibited in our said Court against *Them* by *James A. Harris and Lucetta  
his wife formerly Lucetta Newman, James Jefferson Newman  
Willis Harris + Harriett his wife formerly Harriett Newman, Andrew  
J. Newman, Patterson Newman, Joseph Newman, Samuel Newman  
+ Polly Newman, Children & Heirs of James Newman deceased, the  
last then named of whom are infants under 21 years of age  
who sue by James J. Newman their next friend,*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this  
*29<sup>th</sup>* day of *October* 185*8*, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, Clk.,  
Attest, H. J. Morgan, Clk.,*



VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand *Dec 4* 1858

*Geo. W. Barr*  
*Jr. Ed. Virginian*

Printer's fee \$

VIRGINIA:

At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 1st day of November, 1858:

James A. Harris and Lucretia his wife, formerly Lucretia Newman, James Jefferson Newman, Willis Harris and Harriett his wife, formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, and Polly Newman, children and heirs of James Newman, dec'd, the three last named of whom are infants under the age of 21 years, who sue by James J. Newman their next friend,  
Complainant,

AGAINST

Margaret Myers, widow of Michael Myers, deceased, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers,  
Defendants,

IN CHANCERY.

The object of this suit is to extract from the defendants, a legal title to the land in the bill mentioned. And it appearing from satisfactory evidence that Margaret Myers, widow of Michael Myers, dec'd, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers, are not inhabitants of this commonwealth, it is ordered that said defendants do appear here within one month after due publication of this order, and answer the bill of complainants, or do what is necessary to protect their interests; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county.

A Copy.—Teste.

H. J. MORGAN, c. c.

Nov. 6, 1858.—4w



"Virginian" Office  
Shirley V

James A. Harris & wife & others  
1858 To Coale & Man on  
Nov 6 To publishing Chancery Order  
against  
Margaret Myers & others  
3 yrs 4 mks } \$ 5.50

**VIRGINIA:**

**A**T Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 1st day of November, 1858:

James A. Harris and Lucretia his wife, formerly Lucretia Newman, James Jefferson Newman, Willis Harris and Harriett his wife, formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, and Polly Newman, children and heirs of James Newman, dec'd, the three last named of whom are infants under the age of 21 years, who sue by James J. Newman their next friend,  
Complainant,

**AGAINST**

Margaret Myers, widow of Michael Myers, deceased, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers,  
Defendants,

**IN CHANCERY.**

The object of this suit is to extract from the defendants, a legal title to the land in the bill mentioned. And it appearing from satisfactory evidence that Margaret Myers, widow of Michael Myers, dec'd, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers, are not inhabitants of this commonwealth, it is ordered that said defendants do appear here within one month after the publication of this order, and answer the bill of complainants, or do what is necessary to protect their interests; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county.

A Copy.—Teste,

H. J. MORGAN, c. c.

Nov. 6, 1858.—4w